

CLIENTS' TREATMENT RIGHTS

The "Bill of Rights" for mental health and substance abuse care includes the following:

The Right to Know

- Individuals have the right to information that describes their mental health and substance abuse treatment benefits; the treating professional's knowledge, and credentials; the treatment options available and their effectiveness.
- Individuals have the right to know of any arrangement, restrictions and/or covenants established between the third party payer and the treating professional that could interfere with or influence treatment recommendations.
- Individuals have the right to be informed of the nature of information that may be disclosed for the purpose of paying benefits.
- Individuals have the right to receive information about complaints or grievance procedures that may be brought before the treating professional's regulatory board and professional association.
- Individuals have the right to receive information they use to appeal benefits decisions to the third party payer, and the employer or purchasing entity and to external regulatory entities.

Confidentiality

- Individuals have the right to be guaranteed a confidential relationship with their mental health and substance abuse professional, except when laws or ethics dictate otherwise.
- Disclosure to another party must be time-limited and made with the full written, informed consent of the individuals.
- Public agencies or the organizations with a legitimate right to information must maintain the clinical information in confidence and are subject to the same penalties for violation as is the direct provider of care.
- Information technology will be used for transmission, storage or data management with security to ensure the protection of the individual's privacy.
- Individuals have the right to choose any duly licensed or certified professional for the mental health and substance abuse services.
- Individuals have the right to receive full information about the education and training of the professionals, treatment options (including risks and benefits), and the cost of implications to make an informed choice.

Determination of Treatment

- Treatment recommendation shall be made only by licensed or certified professionals in conjunction with the individual and if appropriate, his or her family.
- Individuals have the right to receive benefits for mental health and substance abuse treatment as they do for any other illnesses.

Discrimination

- Individuals who use mental health and substance abuse benefits shall not be penalized when seeking other health, disability or life insurance benefits.

Benefit Usage

- The individual is entitled to the entire scope of the benefits with the benefit plan that will address his or her clinical needs.

Benefit Design

- In designing a benefit plan, insurance companies and professional shall use whichever law, federal or state, affords the greatest protection and access for individuals.

Treatment Review

- Individuals shall have the right to a fair, valid and confidential review of the treatment conducted by a trained professional who has no financial interest in the decision.

Accountability

- Professionals may be held accountable for any injury caused by gross incompetence or negligence. Professionals are obligated to advocate for and document the necessity of care and advise the individual if payment authorization is denied.

